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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

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Case No. 3:17-cv-06748-WHO

**[PROPOSED] ORDER GRANTING
ADMINISTRATIVE MOTION TO
EXTEND DEADLINE FOR ACCEPTING
OR REJECTING REMITTITUR
PENDING REQUEST FOR
INTERLOCUTORY REVIEW**

1 On April 13, 2022, this Court issued its Order on Post-Trial Motions, in which it denied
2 Tesla's motion for judgment as a matter of law and granted in part and denied in part Tesla's
3 motion for a new trial. *See* Dkt. No. 328. As relevant here, the Court denied Tesla's motion for a
4 new trial but conditioned that denial on Plaintiff Owen Diaz's acceptance of a remittitur of total
5 compensatory damages from \$6.9 million to \$1.5 million, and of punitive damages from \$130
6 million to \$13.5 million. *Id.* at 43. The Court stated that "Diaz shall file a notice on the docket
7 within 30 days stating whether he accepts or rejects the remittitur (and a proposed amended
8 judgment if he accepts it). At that point, I will, as appropriate, either enter an order granting a
9 new trial on damages or enter a final, appealable order denying Tesla's motion and an amended
10 judgment." *Id.* The 30-day deadline for accepting or rejecting the remittitur is May 13, 2022.

11 Plaintiff Owen Diaz has filed a motion requesting that the Court certify its Order on Post-
12 Trial Motions for interlocutory review under 28 U.S.C. § 1292(b). To preserve the status quo and
13 prevent Diaz's Section 1292(b) motion from becoming moot, the Court GRANTS Diaz's
14 administrative motion to extend the 30-day deadline for accepting or rejecting the remittitur. The
15 deadline is extended to seven (7) days after a final certification decision is made, i.e., until the
16 later of: (1) this Court's denial of Plaintiff's motion for Section 1292(b) certification; (2) this
17 Court's grant of certification and the Ninth Circuit's denial of certification; or (3) this Court's
18 and the Ninth Circuit's grant of certification and a Ninth Circuit ruling affirming the Post-Trial
19 Order or reversing it only in part.

20 **IT IS SO ORDERED.**

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22 DATED: _____

23 William Orrick III
24 United States District Court Judge
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